

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 EASTERN DISTRICT OF CALIFORNIA
10

11 SEAN DIAS,

12 Plaintiff,

13 v.

14 WILLIAM AVILA, et al.,

15 Defendants.

Case No. 1:24-cv-00354-SAB

ORDER VACATING MAY 8, 2024
HEARING ON DEFENDANT'S MOTION
TO DISMISS

16
17 Defendants William Avila and Dominick Garay removed this action to the Eastern
18 District of California from the Tulare County Superior Court on March 26, 2024. (ECF No. 1.)
19 On March 27, 2024, Defendants filed a motion to dismiss under Rule 12(b)(6) of the Federal
20 Rules of Civil Procedure. (ECF No. 4.) The motion to dismiss was served on Plaintiff at his
21 address of record on March 27, 2024. (Cert. of Service, ECF No. 4 at 3.) On April 15, 2024,
22 Defendants filed a notice that no opposition to the motion to dismiss had been served. (ECF No.
23 5.)

24 Pursuant to the Local Rules of the Eastern District of California, Plaintiff's opposition to
25 the motion to dismiss was due on April 15, 2024. L.R. 230(c). Plaintiff did not file a timely
26 opposition to the motion. The Local Rule provides that a party who fails to file a timely
27 opposition is not entitled to be heard in opposition to the motion at oral argument. L.R. 230(c).
28 The hearing on this matter vacated and the matter is taken under submission and shall be decided

1 on the papers.

2 Accordingly, IT IS HEREBY ORDERED that the hearing on Defendants' motion to
3 dismiss, set for May 8, 2024, is VACATED and the parties will not be required to appear at that
4 time.

5 IT IS SO ORDERED.

6
7 Dated: May 1, 2024


UNITED STATES MAGISTRATE JUDGE

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28